

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

JAMIKA SCOTT

Plaintiff,

v.

CITY OF TACOMA and Officers
CHRISTOPHER BAIN, CONNOR COCKLE,
SHANE GENIS, DAREN HOLTER,
CHRISTOPHER MUNN, PATRICK
PATTERSON, BRENT ROBERTS, SCOTT
SHAFNER, JEFFREY SMITH, DOUGLAS
WALSH, and DOEs 1-3.

Defendants.

NO. 3:24-cv-5066

COMPLAINT FOR DAMAGES

42 U.S.C. § 1983 and SUPPLEMENTAL
STATE CLAIMS

DEMAND FOR JURY TRIAL

I. INTRODUCTION

Jamika Scott has long been a vital community leader, political figure, and advocate for police accountability. Several hours after Tacoma Police (“TPD”) Officer Khanh Phan ran over a pedestrian in his police cruiser, Defendants fabricated a pretext to order dispersal, then assaulted and unlawfully arrested Ms. Scott, then fabricated reports to cover it up.

There had been no crowd and no danger to police for hours. The few who remained were watching and recording TPD investigate itself. Defendants admit in their incident reports that they became agitated when they heard mean words being yelled by some. Only Ms. Scott with her video device and another person with his bullhorn were arrested. No charges were ever filed.

COMPLAINT

THE LAW OFFICE OF BEVERLY ALLEN
1502 S. Union Ave Ste 1, Tacoma WA 98405
Telephone: (253) 788-6376
www.TacomaLegalCoach.com

II. PARTIES

1. Plaintiff Councilmember Jamika Scott is a resident of Pierce County, Washington.

2. Defendant City of Tacoma is a municipality sued for its unconstitutional policies, customs, and practices, as well as its vicarious liability for state law claims.

3. All TPD officers are sued in their individual capacities.

4. Defendants Chris Bain, Connor Cockle, Shane Genis, Daren Holter, Christopher Munn, Brent Roberts, and Douglas Walsh, were at all relevant times TPD officers.

5. Defendants Patrick Patterson, Scott Shafner, and Jeffrey Smith were at all relevant times ranking TPD officers on scene during the incidents herein described.

6. Among Defendants DOE are other officers and supervisors who integrally participated in the unlawful activities herein alleged.

7. Among Defendants DOE are final policymakers who promulgated and/or ratified unconstitutional policies, customs, and practices.

II. JURISDICTION AND VENUE

8. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and 1343 over the federal claims arising under 42 U.S.C. § 1983 *et seq.*

9. This Court has supplemental jurisdiction over the state claims pursuant to 28 U.S.C. §§ 1367.

10. Proper venue lies in the Western District of Washington because the events giving rise to Plaintiff's claims occurred in Tacoma, Washington. 28 U.S.C. § 1391(b)(2).

III. FACTS

The Retaliatory Unlawful Arrest and Excessive Force:

11. On Saturday January 23, 2021, around 9:30 p.m., Plaintiff Jamika Scott was standing lawfully and peacefully outside police tape that had been stretched from each corner of the intersection of Pacific Avenue and 9th Street. A small crowd of peaceful onlookers had gathered, several of whom were filming as TPD investigated itself.



12. Around 6:30 p.m., TPD Officer Phan had driven west on 9th Avenue through a crowd of people, ramming several and completely running over the body of one man. After a period of citizen outrage, the area had been peaceful for hours.



COMPLAINT

The Law Office of Beverly Allen
1502 S. Union Ave, Ste 1
Tacoma, WA 98405
Ph: 253-778-6376

1 13. Jamika Scott had arrived specifically to engage in public oversight of the post-
2 incident police self-investigation, and to voice her opposition to running over citizens. Scott and
3 her fellow observers were at all times peaceful, even observing the pandemic protocols of masking
4 and social distancing.

5
6 14. Although Ms. Scott needed no justification for peacefully observing and filming
7 police conduct from outside the police line, it should be noted that the entire United States was still
8 reeling from the many murders of unarmed black people by police. Manuel Ellis had very recently
9 been killed by TPD.

10 15. Ms. Scott began filming outside the police tape from approximately the turn lane on
11 Pacific Avenue, north of the police line. Police were also excluding traffic at the intersections of
12 Pacific and 7th to the north and 10th to the south (“traffic perimeter”), but observers, pedestrians,
13 and restaurant patrons and employees were all present within the incoming traffic barriers while
14 respecting the police line.

15
16 16. Defendants gave an arbitrary dispersal order based upon a pretextual and nonexistent
17 need to force compliance with an ‘outer perimeter.’ The observers, including Ms. Scott,
18 maintaining a healthy skepticism of TPD self-investigation, perceived a coordinated effort to avoid
19 citizen oversight and cover up a fellow officer’s violent crime.

20
21 17. Although Ms. Scott was standing in an area clearly authorized by the police line,
22 Defendants crossed outside the line and zeroed in on Scott. The attackers in riot gear outnumbered
23 the observers. As they advanced, Ms. Scott switched her phone to live stream on Instagram.

24 18. Video footage from behind the attack appears to indicate that Defendants sought to
25 herd the observers into the small space between the deep stormwater trenches bordering Pacific and
26

1 the police tape, then uphill to where observation would be greatly diminished or impossible. An
2 equally reasonable conclusion from the video evidence is that Defendants craved confrontation.

3 19. Defendant Smith focused on Jamika Scott's cell phone, with which she continued
4 streaming and recording, shoving her and smacking the phone from her hand. Defendants Holter,
5 Smith, Cockle, and Genis, forced Ms. Scott up against the tall curb surrounding the deep stormwater
6 trench.
7

8 20. Rather than fall into the stormwater trench, Ms. Scott stumbled to the ground on
9 Pacific at an accelerated rate due to the shoves of Smith, Holter, Cockle and Genis. Defendants
10 kept Ms. Scott pinned face down on the concrete against the curb, one officer placing his knee in
11 Ms. Scott's back. Ms. Scott sustained prolonged pain from the impact.
12

13 21. The following photo shows Ms. Scott in a light-colored shirt being slammed to the
14 ground by Defendants:
15



1
2 22. Defendant Holter then vindictively placed handcuffs on Jamika Scott so tightly that
3 it caused her intense and lasting pain and bruising. Despite Scott's repeated protests that she was
4 in great pain and had little to no blood circulation, Defendants Smith, Cockle and Holter refused to
5 loosen the cuffs.
6

7 23. Jamika Scott, having been unlawfully arrested, was then unlawfully transported to
8 the jail by Defendant Munn. Ms. Scott was unlawfully imprisoned for several painful hours, her
9 handcuffs loosened only one single click by jailors. Furthermore, as part of the booking process,
10 Ms. Scott was forced strip down; made to choose between wearing jail issued underwear or none
11 at all; produce a urine sample; be fingerprinted and photographed; all while being led to believe
12 that she would likely have to spend the weekend in jail. No charges were ever filed because no
13 crime was committed by Ms. Scott.
14

15 ***The Coordination and Coverup:***

16 24. The entire episode was orchestrated. Officer Phan's carnage had fully unfolded
17 within the police line, yet several hours later the defendants would fabricate a false justification for
18 completely removing all citizen observers from all areas in which observation could occur with any
19 accuracy.
20

21 25. Defendant Officer Douglas Walsh falsely claimed the "crime scene area was much
22 too small" and that a "hostile crowd" numbering "25-30 subjects" was in the area where Jamika
23 Scott was located. There were around 13 observers standing peacefully outside the north police
24 line, and no part of Officer Phan's violent action occurred north of the tape.

25 26. There was zero hostility except some free speech that hurt the officers' feelings (e.g.
26

1 “there were several people using megaphones shouting disparaging comments towards us”).
2 Defendant Sergeant Shafner complained that there were “angry people yelling at us” and was
3 clearly offended that “[t]hey were screaming obscenities at us and taunting us while they videotaped
4 us.”

5
6 27. Defendant Shafner’s retaliatory animus bleeds through his report. For instance, his
7 pugilistic demeanor caused him to note that the small group of observers “were clearly ready to
8 fight...and they were trying to goad us into it.” See photo in Paragraph 11, *supra*, for reference.

9 28. Defendant Patrick Patterson also attempted to countenance the unconstitutional
10 behavior. Patterson condensed the timeframe of several hours into his incident report, making it
11 seem as if the “tense situation” aftermath of Officer Phan’s carnage continued from Patterson’s
12 6:28 arrival until the unlawful arrest and assault of Ms. Scott around 9:40.

13
14 29. Shafner used a similar time-condensing tactic. Smith also obfuscated the passage of
15 several hours and dispersal of the crowd: “After some time...a crowd began to form...very angry
16 and yelling.” In reality, there was no urgency or danger due to the small number of the crowd that
17 had formed over several hours to observe TPD investigate itself.

18 30. Like his coconspirators, Smith attempted to justify the arbitrary attack as a necessary
19 expansion of the perimeter, justified by a nonexistent “crowd.” Smith admitted that protestors got
20 under his skin (“attempted to agitate officers”) and tellingly impugned them for their lawful conduct
21 (“remained right at the crime-scene-tape-line”).

22
23 31. Smith lied in his report, depicting a negotiation with Ms. Scott where video shows
24 Smith shoving her. Smith further fabricated that Ms. Scott “began moving into our police line.”
25 The video shows Smith, Patterson, Holter, Walsh, Shafner, Cockle, and several others had
26

1 completely surrounded Ms. Scott like a gang and shoved her against the deep stormwater trench.

2 32. Defendant Genis admitted that he had pushed Ms. Scott “back towards the line and
3 she fell to the ground.” Smith’s obfuscation tactic is familiar to students of police misconduct,
4 similar to when police allege Assault 3 on the basis that an arrestee has used his face to hurt the
5 officer’s fist.
6

7 33. Smith also hid his coordination with coconspirators by muting “the audio [of his
8 BWC]¹ at multiple times during the incident for [Law Enforcement] sensitive conversations” and
9 shutting off the whole BWC system after the assault. Neither a detective nor an investigator, Smith
10 had no lawful basis to hide what was being said about the impending unconstitutional attack.

11 34. In retaliation for “anti-Police phrases,” Patterson and Shafner assembled the team of
12 15 officers who would arbitrarily expand the police cordon beyond any reasonable or necessary
13 range under the pretext of danger and urgency. Patterson gave the attack order and justified it in a
14 *second* incident report, written 26 days after the event.
15

16 35. Against the backdrop of Defendant Patterson’s fabricated urgency and danger, he
17 painted an image of an “inner perimeter” that was demarcated by the police tape Ms. Scott was
18 respecting and a fantasy “outer perimeter” ranging “between 7th and 11th to ensure the safety of the
19 investigation team.” In several videos, a Defendant’s (likely Smith) unelevated speaking voice can
20 also be heard from the observers’ side of the police tape saying, “We need all of Pacific. Go up to
21 Commerce.”
22

23 36. Police had long been at the traffic perimeter, logically keeping incoming vehicles
24 from dead-ending into the block, but there was no lawful reason for observers on foot to be expelled
25

26 ¹ Body-Worn Camera

1 from the police line as to an “outer perimeter.” The absurdity of it all could only be blunted by
2 fiction.

3 37. Defendant Shafner crafted a passively voiced artifact to justify the imaginary outer
4 perimeter: “We were told Officer Phan’s car was on Pacific just north of us and we had to protect
5 that as well.” Patterson included this in his second report as well. Defendant Bain is sued for
6 waiting a few days then crafting his report to fit the ‘outer perimeter’ narrative, falsely claiming to
7 have watched as Phan’s vehicle “turned right and escaped northbound on Pacific Ave.”

8 38. All Defendants had the same view shown in the photos *supra*. All ranking officers
9 had seen the copious video and heard radio reports that Phan had fled up 9th and then “staged” at
10 Commerce and 7th Streets. Many videos show Phan’s SUV bump twice over his victim’s body then
11 accelerate quickly up the 9th Street hill toward Commerce. Phan never turned north down Pacific
12 and there was no basis for Defendants to pretend the crime scene extended to an ‘outer perimeter.’

13 39. To indulge this absurd ‘concentric perimeters’ fantasy for a moment, a citizen in Ms.
14 Scott’s shoes would need to perceive the fake “outer perimeter,” spanning .27 miles along Pacific
15 Avenue (or “all of Pacific,” according to Smith) and then relocate to a position outside this fake
16 perimeter from which visual observation would have been physically impossible. For those in Ms.
17 Scott’s position, that would mean moving 700 feet north along Pacific to a point from which no
18 observation could be made.

19 40. This fake outer perimeter is also belied by the fact that no bar or restaurant on Pacific
20 Avenue was forced to close during the relevant timeframe, nor were cars prevented from using the
21 angled parking spaces in front of the businesses (see photos, *supra*). Finally, according to PCFIT
22 and the Prosecutor’s Office, “the intersection crime scene was cordoned off only in the immediate
23
24
25
26

1 area of South 9th St. and Pacific Ave.”

2 41. The difference between those permitted to stay and those forced to leave “all of
3 Pacific,” is that the former were pedestrians and customers, and the latter were filming and speaking
4 words that Defendants did not like.

5 42. The videos clearly show the precise moment when Defendants Smith and Patterson
6 have been so angered by free speech (e.g. “where’s Forensics at? ... You gonna arrest me for
7 speech? ... We’re here to observe! ... We’re outside the line!”) that they have decided to unleash
8 violence. No charges were ever filed.
9



23 ***Discovery of Defamatory Publications:***

24 43. Undersigned counsel consulted another local attorney, Jackson Millikan, while
25 drafting this Complaint. On December 26, 2023, Millikan advised undersigned counsel and Ms.
26

COMPLAINT

The Law Office of Beverly Allen
1502 S. Union Ave, Ste 1
Tacoma, WA 98405
Ph: 253-778-6376

1 Scott that he had discovered a 259-page compilation of TPD incident reports online.

2 44. These reports were published by TPD. Although there are many redactions, TPD
3 did not redact Jamika Scott's name. The reports contain false and defamatory statements portraying
4 Ms. Scott as a violator of laws, member of an angry mob, aggressor, and more. Ms. Scott may seek
5 declaratory and/or injunctive relief concerning their continued publication.
6

7 **II. FEDERAL CAUSES OF ACTION**

8 **COUNT I**

9 **RETALIATION for Free Expression, Free Association, and Petition for Redress, in** 10 **violation of the 1st Amendment (against Defendants Cockle, Holter, Patterson, Shafner,** 11 **Smith, Walsh, and Tacoma)**

12 45. The individual defendants acted under color of state law as Tacoma Police Officers,
13 pursuant to the customary practices and/or policies of Defendant City of Tacoma. Defendants acted
14 in concert and agreement with several others as is detailed in Count IV.

15 46. Jamika Scott was engaged in the protected activities of observing and
16 videorecording law enforcement from a safe distance, outside clearly demarcated boundaries, hours
17 after any danger to officers had dissipated.

18 47. Ms. Scott was engaged in free association, in attendance with, and as a member of,
19 a community dedicated to police accountability and transparency. A fundamental purpose of
20 community oversight is to observe police actions.

21 48. Ms. Scott was engaged in protected speech, including respectfully notifying
22 Defendants that their unreasonable demands would negate her and her associates' ability to observe
23 the investigation.
24

25 49. Defendant Cockle acted in retaliation for, in his own words, a "crowd yelling
26

COMPLAINT

The Law Office of Beverly Allen
1502 S. Union Ave, Ste 1
Tacoma, WA 98405
Ph: 253-778-6376

1 obscenities at every officer," when he joined the attack team and participated in dispersing the
2 observers.

3 50. Defendant Holter, in retaliation for the protected conduct joined the attack team and
4 participated in dispersing the observers, as well as assaulting Ms. Scott and purposely
5 overtightening her handcuffs.
6

7 51. Defendant Roberts acted in retaliation for, in his own words, "yelling anti police
8 profanity...calling us murderers, faggots, pigs and many other names; telling us to quit our jobs and
9 kill ourselves," when he joined the attack team and participated in dispersing the observers.

10 52. Defendant Shafner acted in retaliation for, in his own words, "angry people yelling
11 at us...screaming obscenities...and taunting us while they video taped us...angry people clearly
12 ready to fight...trying to goad us into it[, who]...videotaped me and ignored my words...[and] used
13 vulgar language [and were] gesticulating like they wanted us to fight," when he organized, pre-
14 planned, and joined the attack team and participated in dispersing the observers.
15

16 53. Defendant Smith acted in retaliation for, in his own words, "[being] angry and
17 yelling at all the officers on scene...lined up directly at the crime-scene tape...attempted to agitate
18 officers...continued to yell and scream at us...[,]" and Ms. Scott saying "[w]e have a right to be
19 here," when he joined the attack team and participated in dispersing the observers, as well as
20 assaulting and unlawfully arresting Ms. Scott.
21

22 54. Defendant Walsh acted in retaliation for, in his own words, "disparaging
23 comments," when he joined the attack team and participated in dispersing the observers, as well as
24 assaulting and unlawfully arresting Ms. Scott.

25 55. Defendant Patterson was the supervisor on scene, gave the dispersal order, and
26

1 integrally participated in the violence. Patterson acted in retaliation for, in his own words, “anti-
2 Police phrases, calling Officers ‘murderers,’ calling for an independent investigation,” when he
3 joined the attack team and participated in dispersing the observers.

4 56. The dispersal order was itself a violation of the First Amendment, designed only to
5 chasten or punish observers and critics, and obfuscate a horrific vehicular assault by police.

6 57. Defendant Smith’s fixation on Jamika Scott’s recording device made it clear that his
7 primary motivation was to prevent further recording. In the Ninth Circuit, recording of law
8 enforcement activities in the exercise of their official duties in public spaces is a clearly established
9 right.

10 58. Even the Supreme Court has acknowledged that the First Amendment protects the
11 gathering of news. Tacoma Police running over Tacoma Citizens, and the aftermath thereof, was
12 undeniably news.

13 59. The retaliatory arrest would chill a person of ordinary firmness. Indeed, Jamika
14 Scott, a person of extraordinary fortitude, experienced a period of chilled expression.

15 60. Jamika Scott’s speech and video recording were the motivating factors in
16 Defendants’ decision to unlawfully seize her phone, cause her unlawful arrest, and place
17 unreasonably tight handcuffs on her wrists.

18 61. The same is true for Scott’s mere presence as a well-known police oversight leader,
19 her expression of frustration with rampant police misconduct, her association with the community
20 engaged in police oversight, and her attempt to gather news as evidence upon which to petition for
21 the redress of social justice grievances.

22 62. At no time did officers have probable cause to believe a crime was committed.
23
24
25
26

63. The unconstitutional acts of all defendants were a result of the City's widespread customary practices and policies, including but not limited to failure to train officers about constitutionally protected activity. The TPD further has a policy, custom, or widespread practice of falsifying incident reports to cover up violations of constitutional rights.

COUNT II

UNLAWFUL ARREST in violation of the 4th Amendment (against Defendants Cockle, Genis, Holter, Munn, Patterson, Shafner, Smith, and Tacoma)

64. Defendants Cockle, Genis, Holter, and Smith physically seized and arrested Jamika Scott with neither probable cause nor any exception to the warrant requirement. Ms. Scott did not consent to her seizure or arrest.

65. Defendant Munn unlawfully seized Ms. Scott in his car that was "staged" by Defendant Shafner for that purpose.

66. Defendant Shafner "pre-planned" the arrest and organized the attack team.

67. Defendant Patterson ordered the attack team to move in.

68. Jamika Scott was an unarmed, unthreatening, physically diminutive, member of the public, engaging in free expression, association, and video recording in public.

69. Police vastly outnumbered observers.

70. The unlawful arrest was made pursuant to the City's policies, practices, and customs, including but not limited to the failure to train officers about constitutionally protected activity and the failure to train officers about proper use of BWCs in order to safeguard constitutional rights. The officers' failure to properly use their BWCs facilitated their deprivation of Jamika Scott's

COMPLAINT

The Law Office of Beverly Allen
1502 S. Union Ave, Ste 1
Tacoma, WA 98405
Ph: 253-778-6376

1 constitutional rights. The TPD further has a policy, custom, or widespread practice of falsifying
2 incident reports to cover up violations of constitutional rights.

3
4 **COUNT III**

5 **EXCESSIVE FORCE in violation of the 4th Amendment (against Defendants Cockle,**
6 **Genis, Holter, Smith, and Tacoma)**

7 71. Jamika Scott had committed no crime and Defendants had neither reasonable
8 suspicion nor probable cause that she had or would.

9 72. Ms. Scott posed zero threat to Defendants or others.

10 73. Ms. Scott's resistance was justified and calculated to preserve her bodily integrity
11 from the assaultive behavior of Defendants.

12 74. Defendants had been on scene for hours with not a single physical altercation since
13 their own fellow officer had caused a small riot by running over several pedestrians.

14 75. Defendants needed to use precisely zero force because they had no legal justification
15 to disperse the observers or arrest Ms. Scott.

16 76. Defendants nonetheless caused Ms. Scott to fall hard onto the concrete and suffer
17 bruising and pain for weeks to come.

18 77. As is clear from many video recordings, there had been zero security threat for hours.

19 78. No reasonable police officer would perceive an "angry mob" or any threat
20 whatsoever, nor would any such officer believe that all of Pacific Avenue was part of the crime
21 scene.
22

23 79. Defendant Cockle nonetheless participated by jamming Ms. Scott's left arm behind
24 her back, pressing down on her back with his knee.

25 80. Defendant Genis nonetheless participated by shoving Ms. Scott into the gang of
26

COMPLAINT

The Law Office of Beverly Allen
1502 S. Union Ave, Ste 1
Tacoma, WA 98405
Ph: 253-778-6376

1 other violent defendants.

2 81. Defendant Holter nonetheless slammed Ms. Scott to the ground and applied overly
3 tight handcuffs.

4 82. Defendant Smith nonetheless shoved Ms. Scott, grabbed her phone, then joined
5 Holter in slamming her to the ground.
6

7 83. The excessive force was pursuant to policies and practices of Tacoma under which
8 police escalate situations to create discord and rationalize using force, including excessive force.

9 **COUNT IV**

10 **42 USC § 1983 CONSPIRACY to violate the 1st and 4th Amendments (against Defendants**
11 **Bain, Cockle, Genis, Holter, Munn, Patterson, Roberts, Shafner, Smith, and Walsh)**

12 84. Defendants all agreed expressly and tacitly to deprive Ms. Scott of her constitutional
13 rights under the First and Fourth Amendments as pleaded *supra* and fully incorporated herein.

14 85. Defendants all agreed and participated despite the clear and present lack of danger,
15 urgency, or investigative purpose underlying their attack on the observers and Ms. Scott. Defendant
16 Bain agreed to and participated in the coverup.
17

18 86. The agreement, before and after the attack, included fabricating a false justification
19 for removing all observers from the police line on Pacific Avenue north of 9th Street.

20 87. This pretext was effectuated by (i) describing a fantasy outer crime scene perimeter
21 that either extended to “all of Pacific” or for .76 miles between 7th and 11th Streets, (ii) falsely
22 depicting the area north of the police line as part of the crime scene, (iii) and falsely claiming there
23 was danger posed by a nonexistent angry mob.
24

25 88. Having agreed to deprive Ms. Scott of her rights, Defendants (except Bain) then
26 deprived her of said rights by assaulting and falsely arresting her in retaliation for her protected

COMPLAINT

The Law Office of Beverly Allen
1502 S. Union Ave, Ste 1
Tacoma, WA 98405
Ph: 253-778-6376

1 activity.

2 89. Before the attack, Defendants except for Bain agreed to, in Shafner's words, a "pre-
3 planned" attack on the observers and Ms. Scott. Defendants assembled and perpetrated the attack
4 as described *supra* in violation of Scott's constitutional rights.
5

6 90. After the attack, several defendants agreed to and did falsify incident reports to cover
7 up the violations of the whole group. Beyond what is described *supra* about the tactics used in
8 these reports, what follows is a sample of specific statements currently known to Ms. Scott through
9 publicly available records:

10 91. Defendant Bain delayed his report for three days, then lied about seeing Phan's SUV
11 after hitting the pedestrians, as it "turned right and escaped northbound on Pacific Ave." This never
12 happened. The purpose was to further the conspiracy by providing a faux investigative and
13 evidential basis for extending the crime scene up Pacific, thereby retroactively justifying the attack.
14

15 92. Defendant Cockle falsely claimed "[t]he crowd had block[ed] north and south lanes
16 of Pacific Ave on the north side of the intersection with S 9th St." In fact, it was the police who
17 blocked the intersection with yellow tape and the observers respected it. The purpose of the lie was
18 to further the conspiracy by retroactively providing a faux law enforcement and security basis for
19 attacking the observers.
20

21 93. Defendant Patterson wrote two incident reports. The first set up the myth of inner
22 and outer perimeters of a massive crime scene, but only generally described Phan's SUV as "located
23 at 7th and Pacific...." After 26 more days had passed, and all the other incident reports had been
24 filed, Patterson wrote his second report which began with the same two paragraphs as his first.

25 94. However, Patterson's second report was careful to elaborate that "Phan had
26

relocated to S 7th and Pacific Ave to hide from the hostile crowd (who were upset with him).” Omitted from both reports was the fact that Phan did not flee down Pacific, but later drove to the angled parking above Pacific on 7th Street. Patterson’s lies and omissions were purposed to further the conspiracy by placing Phan’s SUV on Pacific north of the observers and Ms. Scott, thereby retroactively justifying the attack as an expansion of the crime scene up Pacific.

95. Defendant Roberts claimed that the attackers needed “the whole 700 to 900 block of Pacific Ave, thus requiring us to expand our area of control in order to preserve scene security...as well as evidence preservation.” He further claimed that the attack was carried out “in order to preserve the integrity of the scene....” Roberts’ lies and omissions were purposed to further the conspiracy by justifying the attack.

96. Defendant Shafner approved several reports containing falsehoods and material omissions. Shafner also falsely reported that Ms. Scott and the observers were an “angry mob” and that they were proposing to fight the police.

97. Shafner falsely claimed that he and his coconspirators “were told that Officer Phan’s car was on Pacific,” when he could see all the way down Pacific and knew from videos, radio transmissions, and his fellow officers, that Phan had departed up 9th Street. The purpose was to further the conspiracy by providing a faux investigative and evidential basis for extending the crime scene up Pacific, thereby retroactively justifying the attack.

III. STATE CAUSES OF ACTION

COUNT V

NEGLIGENCE for breaching the *Beltran-Serrano* standard of care (against Defendants Cockle, Genis, Holter, Munn, Patterson, Shafner, Smith, and Tacoma)

98. Defendants owed Ms. Scott a duty of reasonable care to refrain from causing

COMPLAINT

The Law Office of Beverly Allen
1502 S. Union Ave, Ste 1
Tacoma, WA 98405
Ph: 253-778-6376

foreseeable harm.

99. Defendants breached the duty by ignoring Ms. Scott's peacefulness, her compliance with the police line, her criminal innocence, and her exercise of rights conferred by the state and federal constitutions.

100. Defendants breached the duty by silencing, attacking, shoving, slamming, handcuffing, kneeling on, and imprisoning, Ms. Scott without any legal justification.

101. Defendants mishandled the situation at best, and intentionally breached their duties at worst. Defendants caused Ms. Scott great physical pain, emotional and mental anguish, and reputational harm.

102. Tacoma is vicariously liable for the negligence of the individuals.

COUNT VI

DEFAMATION (against Defendants Holter, Roberts, Smith, and Tacoma)

103. Defendants wrote false statements of fact in their reports concerning Ms. Scott, without privilege and without regard to the truth or falsity of their statements. The statements caused reputational and emotional harm to Ms. Scott.

104. Defendant Holter falsely wrote, "I witness [Jamika Scott]...attempt to flee northbound on Pacific Ave from S 9th St." This statement is belied by clear video and accounts of other officers and observers, which reveal Ms. Scott was assaulted and shoved northbound along the deep stormwater trench as she fell to the pavement.

105. This lie falsely impugns Ms. Scott as a criminal who would "flee" rather than the upstanding citizen and community leader she is.

106. Defendant Roberts falsely wrote that Ms. Scott "pushed past [Smith] and

1 aggressively attempted to move towards officers' backs....” This statement is belied by clear video
2 and accounts of other officers and observers, which reveal Ms. Scott was assaulted and shoved
3 northbound along the deep stormwater trench as she fell to the pavement.

4 107. This lie falsely impugns Ms. Scott as a criminal who would act in a violent manner
5 toward police officers, when she was in fact a victim of their assaults.
6

7 108. Defendant Shafner falsely wrote that Ms. Scott was participating in an “angry mob
8 [that] was standing in a part of the crime scene that had yet to be protected from damage and
9 tampering.” As copious videos and official records clearly demonstrate, the small group of
10 observers was not an angry mob and were not standing in a crime scene, but rather outside an area
11 designated by the yellow police line.

12 109. These lies falsely impugn Ms. Scott as an angry criminal tampering with or
13 destroying evidence of the very crime she sought to have properly investigated.
14

15 110. Defendant Smith falsely wrote that Ms. Scott “moved east, into my line of officers”
16 despite Defendant Genis having propelled her there with a shove. Defendant Smith falsely wrote,
17 “she tried to run from the line of officers, westbound.” This statement is belied by clear video and
18 accounts of other officers and observers, which reveal Ms. Scott was assaulted and shoved
19 northbound along the deep stormwater trench as she fell to the pavement.
20

21 111. These lies falsely impugn Ms. Scott as a criminal who would attempt to infiltrate a
22 line of police officers but, at the same time, try to run away as though she had done something
23 wrong, when in fact Ms. Scott is and was an upstanding member of the community acting within
24 her constitutional rights.

25 112. Defendant Tacoma is vicariously liable for the foregoing defamatory statements and
26

COMPLAINT

The Law Office of Beverly Allen
1502 S. Union Ave, Ste 1
Tacoma, WA 98405
Ph: 253-778-6376

1 directly liable for publishing the unredacted police reports online.

2
3 **IV. RELIEF SOUGHT**

4 113. Ms. Scott hereby demands a trial by jury.

5 114. Ms. Scott will seek all available compensatory and punitive damages for past,
6 present and future pain and suffering, physical, mental, emotional, and economic expenditure,
7 injury and deprivation, as well as pre- and post-judgment interest. Alternatively, presumed
8 damages should be awarded.

9 115. Ms. Scott will seek the foregoing compensatory and punitive damages in an amount
10 ascertained according to proof, the value of his damages to be determined by a jury of her peers.

11 116. By specifying one form of damages, Ms. Scott does not foreclose or waive any other
12 applicable form of damages as to any claim.

13 117. Ms. Scott reserves the right to move for injunctive or declaratory relief.

14 118. Ms. Scott requests an award of reasonable attorney fees and costs pursuant to 42
15 U.S.C. §1988, or any other suitable basis, and for such other relief to which he may be justly entitled
16 in the wisdom of the Court.
17
18

19 Respectfully Submitted,

20 JAMIKA SCOTT

21
22 By 

23 Beverly Allen, WSBA 42889
24 The Law Office of Beverly Allen
25 1502 S. Union Ave, Ste 1
26 Tacoma, WA 98405
beverly@tacomalegalcoach.com
Ph: 253-778-6376

COMPLAINT

The Law Office of Beverly Allen
1502 S. Union Ave, Ste 1
Tacoma, WA 98405
Ph: 253-778-6376